

ISSUE DATE: September 7, 1995

DOCKET NO. ET3/RP-95-635

ORDER FINDING RESOURCE PLAN FILING COMPLETE, CONTINGENT UPON THE
FILING OF CERTAIN FURTHER INFORMATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Dairyland Power
Cooperative's 1995 Resource Plan

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PROCEDURAL HISTORY

On November 16, 1993, the Commission issued its ORDER ESTABLISHING FILING SCHEDULE in Docket No. E-999/RP-93-729. In that Order the Commission established July 1, 1995, as the deadline for an initial resource plan filing by Dairyland Power Cooperative (Dairyland or the Cooperative).

Dairyland's 197,000 retail customers are located in parts of Wisconsin, Minnesota, Iowa, and Illinois. Only 29,000 of the Cooperative's customers are located in Minnesota. Dairyland does not own, operate, or plan any generation facilities in Minnesota.

Because Dairyland has regularly filed integrated resource plans with the Wisconsin Public Service Commission, Dairyland requested that the Minnesota Public Utilities Commission accept a copy of the Cooperative's Wisconsin resource plan Technical Document, along with an executive summary tying the filing with Minnesota circumstances. Dairyland asked that the Commission consider this filing as a resource plan under Minn. Stat. § 216B.2422, so that Dairyland would not be forced to waste its limited time and resources on two separate but similar resource plan efforts.

On June 20, 1995, the Commission issued its ORDER ACCEPTING PROPOSED FILING PROCEDURE. In that Order the Commission accepted Dairyland's proposal. The Commission stated that it would allow Dairyland to file its resource plan by submitting its Wisconsin AP7 Technical Document and an executive summary of its Wisconsin Advance Plan, including explanations of issues related to Minnesota and necessary significant updates. If Dairyland made this filing, the Commission would consider it as the Cooperative's resource plan filing required under Minn. Stat. § 216B.2422.

On July 3, 1995, Dairyland filed its 1995 resource plan with the Commission. The filing consisted

of its Wisconsin AP7 Technical Document and an executive summary.

On July 28, 1995, the Department of Public Service (the Department) filed comments regarding the completeness of Dairyland's resource plan filing. The Department stated that the filing did not contain two requirements under Minn. Stat. § 216B.2422: provision of alternative plans to meet 50 and 75 percent of all new and refurbished capacity needs through a combination of conservation and renewable resources; and inclusion of the Commission-established environmental costs when evaluating and selecting resource options. The Department recommended that the Commission consider Dairyland's resource plan complete if the Cooperative submitted a narrative describing the required alternative plans and explaining the use of the Commission's interim environmental values in ranking alternative plans. The Department also recommended that the Commission extend the resource plan comment period.

On August 17, 1995, the matter came before the Commission for consideration.

FINDINGS AND CONCLUSIONS

Although Minn. Stat. § 216B.2422, subd. 2 allows the Commission to "consider the filing requirements and decisions in any comparable proceedings in another jurisdiction" when reviewing a cooperative's resource plan, the statutory provision does not exempt the cooperative from fulfilling the statute's substantive filing requirements.

Neither did the Commission's June 20, 1995, Order exempt Dairyland from its resource plan filing obligations. The Commission's June 20 Order was intended to provide some filing latitude for Dairyland, in light of the Cooperative's small Minnesota customer base. The Order allowed Dairyland to fulfill Minnesota resource plan filing requirements by filing its Wisconsin AP7 Technical Document and an executive summary of its Wisconsin Advance Plan (resource plan), including explanations of issues related to Minnesota and necessary significant updates. While this language lightened Dairyland's filing burden, it did not relieve the Cooperative of the statutory requirements unique to Minnesota's resource plan. Dairyland's July 3 filing, which did not contain alternative conservation and renewable resource plans or an explanation of the use of interim environmental values, was therefore incomplete. Dairyland must submit the information necessary to provide the missing statutory requirements.

The Commission agrees with the Department that Dairyland's submission of a narrative covering the missing requirements from Minn. Stat. § 216B.2422 should be sufficient to complete the Cooperative's resource plan in this case. This will provide the information intended under the statute, without unduly burdening the Cooperative or requiring it to produce two separate resource plans. The Commission will therefore require Dairyland to file a narrative that

- describes alternative plans that replace 50 and 75 percent of its new and refurbished capacity with conservation and renewable resources; and
- explains how the use of the Commission's interim values for environmental costs would change Dairyland's ranking of alternative resource plans.

The Commission notes that Dairyland will need additional time to prepare this narrative. The Commission therefore adopts the Department's recommendation that the Cooperative's filing be found complete, contingent upon its submission of the supplemental information by October 1, 1995. The Commission will extend the comment period for the resource plan filing to December 1, 1995, in light of the supplemental filing. The response comment period will be extended to January 31, 1996.

ORDER

1. The Commission finds Dairyland's July 3, 1995, resource plan filing complete, contingent upon Dairyland's filing a narrative which contains the following information, on or before October 1, 1995:
 - a description of alternative plans that replace 50 and 75 percent of its new and refurbished capacity with conservation and renewable resources; and
 - an explanation of how the use of the Commission's interim values for environmental costs would change Dairyland's ranking of alternative resource plans.
2. The deadline for comments on the substance of Dairyland's resource plan is extended to December 1, 1995. The response comment period is extended to January 31, 1996.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)